

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**KEVIN CLARK, and WILLIE MAE  
WILBURN, Individually, and on behalf of  
all others similarly situated,**

*Plaintiffs,*

v.

**ACTAVIS GROUP hf, et. al.**

*Defendants.*

**Civil No. 08-2293 (JAG)**

**DECLARATION OF  
MISBAH SHERWANI**

I, Misbah Sherwani, being duly sworn, state the following:

1. The facts set forth in this declaration are within my personal knowledge, and if called as a witness, I could and would competently testify to the matters set forth herein.
2. I am Senior Manager of the Quality Assurance Investigations Group at Actavis Totowa LLC.
3. In April 2008, Actavis Totowa LLC initiated a voluntary Class I recall of Digoxin tablets sold under the brand name Digitek.
4. On April 24, 2008, Actavis conferred with the Recall Coordinator at the United States Food and Drug Administration District Office in New Jersey, Marjorie Schultz, regarding a recall strategy for Digitek.
5. On April 24, 2008, I sent a draft press release and recall notice letter regarding the Digitek recall to Ms. Schultz.

6. On April 25, 2008, FDA approved the recall strategy for Digitek. Later the same day, Actavis received edits on the press release and notice letter from FDA. Actavis incorporated FDA's changes and FDA approved the final press release and notice. FDA posted the press release on its website.

7. On April 25, 2008, Actavis sent the final FDA-approved recall notice and press release to its distributor, Mylan Pharmaceuticals.

I declare under penalty of perjury pursuant to the laws of the State of New Jersey all of the foregoing is true and accurate. This Affidavit was executed on June 12, 2008 at Morristown, New Jersey.

A handwritten signature in cursive script, appearing to read "Misbah", is written over a horizontal line.

Misbah Sherwani